

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 02, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RICHARD M., on behalf of KODIE
M. (deceased),

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 1:22-CV-3032-RMP

ORDER GRANTING PARTIES'
STIPULATED MOTION TO REMAND

BEFORE THE COURT is the parties' Stipulated Motion to Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 9. Plaintiff Richard M., on behalf of Kodie M., deceased,¹ is represented by attorney D. James Tree. The Commissioner of Social Security is represented by Special Assistant United States Attorney L. Heidi Triesch.

¹ The Court uses Plaintiff's first name and last initial to protect his privacy.

1 After consideration, **IT IS HEREBY ORDERED** that the parties' Stipulated
2 Motion for Remand, **ECF No. 9**, is **GRANTED**. Pursuant to the parties' stipulation,
3 the Commissioner's final decision is **reversed and remanded** for a new hearing
4 before an Administrative Law Judge ("ALJ") and a new decision regarding
5 Plaintiff's applications for disability insurance and supplemental security income
6 benefits, pursuant to sentence four of 42 U.S.C. §405(g).

7 On remand, the ALJ shall further develop the record; re-evaluate the
8 medical source opinions, prior administrative medical findings, non-medical source
9 statements, and Plaintiff's allegations; reassess Plaintiff's mental impairments;
10 obtain medical expert evidence to determine whether Plaintiff met or equaled a
11 listing during the periods at issue; and, as needed, make a new residual functional
12 capacity finding and obtain vocational expert evidence to reassess whether there
13 were jobs in significant numbers Plaintiff could have performed despite his
14 limitations. The ALJ will issue a new decision adjudicating the issue of Plaintiff's
15 disability prior to his date last insured under the claim for Title II disability benefits
16 and for the period prior to August 6, 2020, under the Title XVI claim for disability
17 benefits. *See* ECF No. 9 at 1–2.

18 Upon proper presentation, this Court will consider Plaintiff's application for
19 costs and attorney's fees under 28 U.S.C. §§ 1920, 2412(d).

